

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

WRIT PETITION No.15304 of 1994

Between:

1. Peddamuni Reddy S/o. Mogili Reddy,
aged about 50 years,

2. Chinnamuni Reddy S/o. Mogili Reddy,
aged about 48 years,

3. Marre Reddy S/o. Mogili Reddy,
aged about 40 years,

4. Venkat Reddy S/o. Mogili Reddy,
aged about 38 years,

5. Papi Reddy S/o. Mogili Reddy,
aged about 35 years,

6. M. Narayana Reddy S/o. Mogili Reddy,
aged about 30 years,

(All are resident of Ulligunta Village,
Gangavaram Mandal, Chittoor Dist.

..... PETITIONERS

And

1. The District Collector, Chittoor District.

2. The Revenue Divisional Officer, Madanapally,
Chittoor District.

3. The Mandal Revenue Officer,
Gangavaram, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying to issue a writ or order or direction more particularly a writ of mandamus declaring the action of the respondents in acquiring the petitioners land in S.No.253/5 to an extent of 1 acre situated at Ulligunta village, Gangavaram Mandal, as illegal, improper, unjust, arbitrary and contrary to law.

Counsel for the Petitioners: Sri K.G. Krishna Moorthy

Counsel for the Respondents: G.P. for Revenue

The Court made the following :

THE HONOURABLE SRI JUSTICE B. SUDERSHAN REDDY

W.P. No.15304 OF 1994

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ORDER:

The petitioners claim to be the true and absolute owners of the land admeasuring Acs.2-33 cents in Survey No.253/5 of Ulligunta village. The present writ petition has been filed, apprehending summary dispossession of the petitioners by the respondents herein without any authority of law. It is alleged that the respondents herein have demarcated a portion of the land in possession of the petitioners for the purpose of making it available to the weaker sections of the society towards house sites. The contention is that in the absence of any valid notification proposing to acquire the land, the respondents cannot be permitted to meddle or interfere with the possession of the petitioners.

The contention is well founded. It is needless to hold that the respondents in law have no authority to dispossess the persons in possession without following the procedure established by law.

Admittedly, yet there is no notification issued by the respondents herein proposing to acquire the land in question.

In such view of the matter, the writ petition is disposed of directing the

respondents herein not to interfere with the petitioners possession in any manner whatsoever without initiating the proceedings under the provisions of the Land Acquisition Act, 1894. This observation shall not be misconstrued, as if, this Court directed the acquisition of the petitioners property. That in case, if there is, any proposal and if the petitioners are aggrieved by the same, it shall always be open to the petitioners to challenge such notification, if any, to be issued by the respondents. No order as to costs.

B. SUDERSHAN REDDY, J

Date:23-09-2004.

PV

To

1. The District Collector, Chittoor District.
2. The Revenue Divisional Officer, Madanapally,
Chittoor District.
3. The Mandal Revenue Officer,
Gangavaram, Chittoor District.
4. Two C.Cs. to G.P. for Revenue, High Court of A.P.,
Hyderabad.
5. Two C.Ds.